



RESPONSES TO COVID-19: AGENCY OVERVIEWS, UPDATES, AND CHANGES IN SERVICE

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STATE WATER-RELATED FUNCTIONS

OVERSIGHT OF WATER POLICY INTERIM COMMITTEE

Most Montana state water administrators, technicians, judges and scientists are working from home due to the Covid-19 pandemic. This memo examines the work of state agencies "where the primary concern is the quality or quantity of water," including the Water Resources Division (Department of Natural Resources and Conservation), Water Quality Division (Department of Environmental Quality), and the Montana Water Court.

WATER RESOURCES DIVISION

The Water Resources Division essentially plans for, manages, and administers Montana's water. The division monitors the state's water supply, administers water rights, operates dams, reservoirs, and irrigation canals, and maintains a large database of all water rights. The division employs more than 133 full-time equivalent employees spread across five bureaus. Some of the staff are located at the DNRC's eight regional offices.

Across the DNRC, 95 percent of employees are working from home. For Water Resources Division employees, this includes monitoring the state's water supply, developing floodplain management plans, and administering new and historical water rights. The division has mostly curtailed field work, except to manage some construction and engineering contacts for state water projects. Additional dam inspections were not required because of the 6.5-magnitude earthquake centered north of Boise, Idaho. The department's regional offices are "open," but staff can only be contacted by phone.

The department supplied the following information about its work in its bureaus:

DNRC bureau	
Water Adjudication Bureau	The bureau is responsible for examination of water right claims and providing post examination support to the Montana Water Court. Staff are working remotely, and all functions continue. The focus is examination of HB 110 claims and the Bureau is working with the Court and the Administrator to evaluate any shift in "benchmarks" to accommodate the larger than anticipated HB 110 filings.

DNRC bureau	
Water Management Bureau	The bureau organized the Montana Water Summit at the beginning March. The summit, the second held, implements the state water plans goal of continuing to improve on water management and policy for the state. Staff are working remotely and are maintaining assistance to water right functions of the department and to monitor current conditions. Working with the Lieutenant Governor, the Drought and Water Supply Committee has delayed meetings in April and will schedule a meeting in June as the conditions for summer stream flows are better understood.
Water Operations Bureau	The Water Operations Bureau supports programs and one administratively attached board. The Dam Safety Program responded to the Idaho earthquake by reviewing earthquake data to assure the safety of Montana dams. The data indicated that there were no seismic indicators that exceeded criteria requiring immediate inspections. Staff are working remotely. The floodplain management program is in its initial stages of public outreach reminding property owners that flood insurance must be purchased at least 30 days prior to flood damage. The program continues to support local floodplain management programs to assure compliance with the national floodplain insurance program. The Board of Water Well Contractors is attached to this bureau for staffing and funds. Water Well Contractors are working remotely and are operational.
Water Projects Bureau	The State Water Projects Bureau is responsible for the management of the DNRC's 22 dams and 250 miles of canals. Most staff are working remotely or in the field. Engineering contracts and construction contracts are being issued to address infrastructure needs associated with the state-owned water resources infrastructure. Staff continue to work with water users association to assure supplies for the upcoming irrigation season.
Water Rights Bureau	The water rights bureau is responsible for regulating and managing Montana's water right permit and change program. Staff are working remotely both out of the central office as well as regional offices across the state. All functions continue to be conducted. After review of legislative deadlines, there are no issues associated with decision processes and the COVID-19 event. This will be monitored over the next few months.

WATER QUALITY DIVISION

The Water Quality Division works to assess and protect Montana’s water quality. Much of this work follows federal law, specifically the Clean Water Act and the Safe Drinking Water Act. The division sets water quality standards, issues pollution discharge permits, and regulates drinking water, wastewater, and other sanitation systems. The division is composed of four bureaus and employs approximately 134 full-time equivalent employees.

As a result of the Covid-19 pandemic, 88 percent of DEQ employees are working remotely, with an additional 11 percent partially teleworking. The department is conducting day-to-day activities, such as processing mail, application requests, billing, and bonds. The public may communicate with DEQ staff by phone, email, and other web-based programs, such as Zoom and Microsoft Teams. If unsure whom to contact, the public may leave a message on the DEQ's main phone line at 444-2544, which is checked throughout the day. Current information about DEQ services and public meetings may be found at deq.mt.gov/updates.

Some specific division functions have been affected by the pandemic, such as:

- Water and wastewater operator exams are canceled until further notice. The department is working at putting trainings and other exam materials online.
- The Montana Rural Water Systems conference is canceled. The deadline for continuing education credits for public water supply operators is extended until Aug. 31. Some credits will be available free online.
- All non-essential facility site inspections are postponed until the end of April, subject to extension, as the department continues to assess the situation. Program resources will rely heavily on compliance verification tools such as facility and project reports, lab data analysis, compliance certifications, and other monitoring tools. DEQ staff and managers will continue to verify operational compliance via information review and consistent outreach to the regulated entities.
- All permitting applications and Montana Environmental Policy Act reviews are still being processed, though some processes may take longer than usual.

MONTANA WATER COURT

The Montana Water Court adjudicates – or “determine(s) all respective water rights on a stream system” – nearly 250,000 water claims made prior to 1973. The Water Court does not issue new water rights permits, change existing ones, or enforce these. The court is in Bozeman and employs judges, water masters, and other court officials. Most staff are working remotely, although the Water Court's office remains open. All staff may be contacted by phone or email.

The court has modified its operations due to the Covid-19 pandemic. While most of the court's work is court proceedings, in-person events are vacated until May 1. Water masters will focus on case consolidation, initial status conference, and scheduling of cases. The court is allowing attorneys and stakeholders to file longer documents electronically. The court also continues to work with the DNRC to issue new decrees, as necessary.